

Attachment to Independent Case Review Report  
For CDRU # 5456 Case file # 95-224797.

Material Examiner Malone (RO)

Remarks:

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Crm 305

## INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 2:00 PM (Time), 09 / 16 / 99 (Date)

File #: 95-224797

Laboratory #(s): 80802054

90216006

80828064

00620014

90129011

### Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
<u>QW</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
<u>MK</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

### Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): Unknown Pages: 47-119

### Laboratory Report(s):

Laboratory Number: 80802054, 80828064

Date: Oct 16, 1978

Laboratory Number: 90129011, 90216006

Date: May 30, 1979

Laboratory Number: 00620014

Date: Aug 13, 1980

Examiner Bench Notes of: RQ and unknown technician(s)

Laboratory Number: 80802054, 80828064

90129011, 90216006

00620014

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Initials: SRM

*Crm305A*

Was any other material reviewed? ☒ Yes ☐ No

If yes, please identify and/or describe the material: Submitting agency letters dated Aug 1, 1978 and  
June 16, 1980

### Results of Review

File #: 95-224797 Item or Specimen # Reviewed: Q1-Q19, K2, Q20-Q27, K3-K8,  
Q28-Q32

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on  
additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
☐ Yes ☒ No ☐ Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on  
additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☒ Yes ☐ No ☐ Unable to Determine
- 4) Testimony consistent with the bench notes? ☐ Yes ☒ No ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☒ Yes ☐ No ☐ Unable to Determine

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Initials: SMA

### Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 95-224797

#1. There is insufficient documentation to determine if the hair comparison was performed in a scientifically acceptable manner.

#2. The results are not adequately documented in the notes. The notes are not dated, are in pencil and are not initialled by the technician(s). Some hair were deemed unsuitable for comparison with no reason or explanation given. The notes do not indicate the packaging of the items or the presence/absence of a seal on them.

#4. The examiner testifies: "I examined", "I did" remove a hair from Q1, "I observed". The notes indicate the technician examined, observed and removed the hair on Q1. This is misleading.

The examiner was asked if the container of Q1 was sealed when he received it. At first, he said it was, but the seal is not documented in the case notes. When asked how he knew it was sealed, he said "I have a standing rule...if...not sealed I will not examine it". This is not proper documentation.

Review completed at: 4:00 PM (Time), 09 / 16 / 99 (Date)

Total time spent conducting review (to nearest 1/4 hour):

2 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.

  
(Signature)

9-16-99  
(Date)

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Initials:

SRW